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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,975	08/26/2003	David K. Platner	60,130-1747; 03MRA0022	6712
26096 7590 07/03/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER KOTTER, KIP T	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,975	<b>Applicant(s)</b> PLATNER ET AL.	
	<b>Examiner</b> Kip Kotter	<b>Art Unit</b> 3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 11-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 11-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not describe the bag being in alignment with the hole as set forth in claim 15. **No new matter should be entered.**

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coon et al. (U.S. Patent No. 7169344 B2; previously cited).

Coon et al. discloses a method of locally reinforcing a hollow structure comprising the steps of: a) inserting a bag into a cavity of a structure as described in column 12, lines 21-27; b) filling the bag with a material as described in column 12, lines 28-32; and c) expanding the material as described in column 12, lines 32-36, wherein the material is a structural foam as described in column 7, lines 58-60.

Coon et al., however, fails to disclose expressly the securing of a component to the structure proximate to the material.

It would have been well-known and obvious to one of ordinary skill in the art that a component would be secured to the structure proximate to the material because the locally reinforced hollow structure of Coon et al. is intended to be used as a structural component in automotive, aerospace, marine, appliance, and furniture products. As such, at least one component would be needed to secure and attach the reinforced hollow structure of Coon et al. to the product.

5. Claims 11, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simca Automobiles (GB 1034999 A; previously cited).

Regarding claims 11, 13-14 and 17, Simca Automobiles discloses a method of locally reinforcing a hollow structure comprising the steps of: a) inserting a bag through a hole in the structure and into a cavity of a structure as shown in Fig. 1; b) filling the bag with a material as shown in Fig. 2; and c) expanding the material as shown in Fig 3 and Fig. 4; the bag is closed

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prior to step c) as described in lines 34-49 on page 2; and the end of the bag is closed and inserted into the cavity as shown in Fig. 3 and described in lines 34-40 on page 2.

Simca Automobiles, however, fails to disclose expressly the securing of a component to the structure proximate to the material and the hole.

It would have been well-known and obvious to one of ordinary skill in the art that a component would be secured to the structure proximate to the material and the hole because the locally reinforced hollow structure of Simca Automobiles is intended to be used in the body of the car to help form a seal against dust for parts and provide sound insulation. As such, at least one component would be needed to secure and attach the reinforced hollow structure of Simca Automobiles to the car.

Regarding claim 15, Simca Automobiles discloses a method of locally reinforcing a hollow structure comprising the steps of: a) inserting a bag through a hole in the structure and into a cavity of a structure as shown in Fig. 1; b) filling the bag with a material as shown in Fig. 2; and c) expanding the material as shown in Fig 3 and Fig. 4; wherein a portion of the bag is in alignment with the hole as is shown in Fig. 3 and Fig. 4.

Simca Automobiles, however, fails to disclose the installing of the cap into the hole prior to expanding the material.

It would have been obvious to a person of ordinary skill in the art to have installed the cap into the hole prior to expanding the material as a mere matter of choice in the sequence of steps. Inasmuch as the expanding material does not extend beyond the hole when the material is fully expanded, the choice of when to install the cap would not be critical for the locally

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reinforced hollow structure of Simca Automobiles. Moreover, the applicant has stated no criticality for installing the cap into the hole prior to expanding the material.

*Allowable Subject Matter*

6. Claims 1-7 are allowable over the prior art of record.

*Response to Arguments*

7. Applicant's arguments regarding claims 11 and 15 have been fully considered but they are not persuasive.

In response to Applicant's argument that Simca Automobiles "in no way discloses or suggests securing a component to the structure proximate to the material", note that reinforced hollow structure of Simca Automobiles would obviously need to be secured to the automobile by at least one component to be operable as mentioned above in paragraph 5. It is well known in the art that the body of a car is comprised of many parts that are interconnected by components, such as bolts, screws, adhesives, etc... Also, note that "proximate" has been defined as "close to" or "near" for purposes of this examination.

In response to Applicant's argument that "the burden of establish obviousness is entirely the Examiner's", the Examiner is in agreement. Note paragraph 5 above. Further, inasmuch as it appears that the reinforced hollow structure of Simca Automobiles would perform equally well with the cap being installed before or after the expanding of the material, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of locally reinforcing a hollow structure by choosing to install the cap into the hole prior

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to expanding the material because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Simca Automobiles.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

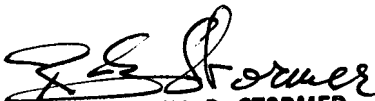
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KTK

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RUSSELL D. STORMER  
PRIMARY EXAMINER 6/22/07